

ALEXANDER E. EISEMANN

ATTORNEY AT LAW

20 VESEY STREET, SUITE 400  
NEW YORK, NEW YORK 10007

TEL: (212) 420-8300  
FAX: (212) 420-8338  
*ae@eislaw.com*  
*www.eislaw.com*

August 1, 2023

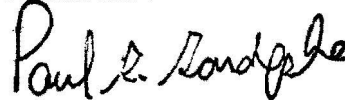
**MEMO ENDORSED:**

The hearing currently scheduled for August 17, 2023, is adjourned to **September 14, 2023, at 11:00 a.m.** Plaintiff's reply and Plaintiff's answer to Defendants' counterclaim are due on **September 5, 2023.**

**VIA ECF**

Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
United States Courthouse  
40 Foley Square, Room 2204  
New York, New York 10007

SO ORDERED.



Paul G. Gardephe  
United States District Judge

Re: Amin v. Hingorani.

Dear Judge Gardephe:

Dated: August 3, 2023

I am counsel for plaintiff Shilen Amin in the above-entitled proceeding. I write, respectfully and with the consent of Larry Rosenthal, counsel for defendant Jitin Hingorani, to request one more adjournment of the return date for the order to show cause and now, for the first time, an extension of the deadline for plaintiff to file his reply and answer to defendant's counterclaim.

Because the parties were working diligently to try work out a settlement, counsel for defendant submitted a number of requests for adjournment/extensions regarding his opposition to the order to show cause and deadline to answer to your Honor on consent, the last of which was granted on May 17. Our discussions after that still didn't produce a mutually-agreeable agreement but there was some movement by one of the parties the night before the then June 21, 2023, deadline for defendant to file his opposition papers, and the parties believed one last adjournment might result in a settlement. Therefore, on behalf of defendant, I wrote your Honor to request what we believed would be one final extension of the deadlines for defendant's answer and the parties' briefing on the order to show cause, as well as an appropriate adjournment of the return date for the order to show cause. Your Honor granted the request, extending defendant's deadlines to July 7, 2023, which defendant met.

Honorable Paul G. Gardephe

August 1, 2023

Page 2

I had taken the initiative in making that request because trademark counsel with whom I am consulting on this matter had surgery a few weeks earlier and planned to start physical therapy several times a week after I wrote, which he expected to continue over the next six to eight weeks. That was going to make it difficult for plaintiff to file his anticipated reply, so part of my last request was for the briefing schedule to include thirty days for plaintiff to file an answer to the counterclaim and any reply, a request to which defense counsel consented. Trademark counsel had believed thirty days would be enough time for him to do the necessary work.

Last week, trademark counsel was hospitalized with a new and unexpected medical problem, which resulted in his hospitalization for several days. He is home now but the time dealing with his new problem prevented him from working on our reply. He has new doctors' appointments that take him away from home for hours at a time coming up and it's now apparent that he won't be able to complete his work by the current August 4 deadline and not for at least another two or three weeks after that.

Unfortunately, that falls right in the period before a trial I am starting in Los Angeles on August 28, which is expected to last about a week. I am supposed to be in California for the final pretrial conference on August 21, so it will be very difficult for me to work with trademark counsel in drafting our reply, while also dealing with an impending trial. Realistically, I won't be able to work on the reply until the Labor Day weekend of September 2. Defense counsel has graciously consented to an extension of the briefing schedule to accommodate trademark counsel's ongoing medical problems and my own trial schedule.

Defendant filed his opposition papers on July 7 but with his medical problems, trademark counsel hasn't been able to work much on them, so he will need the additional two or three weeks to do that, which he will do while recuperating and I will need until September 5 to complete my work on the reply. As noted above, under the current schedule, plaintiff's reply due is due by this Friday, August 4 and the hearing before your Honor is scheduled for August 17, 2023, at 10:15 a.m.

For the above reasons and with the consent of counsel for defendant Hingorani, I respectfully request that the deadline for plaintiff to reply to defendant's opposition to the pending request for a preliminary injunction and to answer defendants' counterclaim be extended to Tuesday September 5, 2023, and that the hearing on the order to show cause be adjourned to a date and time convenient to your Honor, taking into consideration the Jewish holidays by avoiding holiday dates as well as September 15 or 18. Both parties also respectfully that the hearing be scheduled after 10:30 a.m. if your Honor can accommodate that request as well.

Honorable Paul G. Gardephe  
August 1, 2023  
Page 3

On behalf of both parties, I thank your Honor for considering this request and for being extraordinarily patient with the requested adjournments--again this is the first at plaintiff's request. We hope this new problem will cause only this last one, should your Honor decide to grant it.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alex E. Eisemann", with a long horizontal flourish extending to the right.

Alexander E. Eisemann